

Donna J. McCready  
Ashburn & Mason, P.C.  
1227 West 9<sup>th</sup> Avenue, Suite 200  
Anchorage, Alaska 99501  
(907) 276-4331 / phone  
(907) 277-8235 / fax

Attorney for Kimberly Allen

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

KIMBERLY ALLEN, Personal Representative)  
of the ESTATE OF TODD ALLEN, )  
Individually, on Behalf of the ESTATE OF )  
TODD ALLEN, and on Behalf of the Minor )  
Child PRESLEY GRACE ALLEN, )

Case No.: 3:04-CV-0131-JKS

Plaintiffs, )  
)  
)

vs. )  
)  
)

UNITED STATES OF AMERICA, )  
)  
)

Defendants. )  
)  
)

**PROPOSED  
ORDER FOR RULING REGARDING PROOF OF CAUSATION**

The Court, having reviewed the Motion and Memorandum for Ruling Regarding Proof of Causation and supporting exhibits, and having considered any opposition, **HEREBY ORDERS** that the motion is **GRANTED**. Upon the plaintiff proving by a preponderance of the evidence that the United States was negligent in failing to properly diagnose Mr. Allen's subarachnoid hemorrhage the morning of April 19<sup>th</sup> 2003, the

burden of proof shall shift to the United States to demonstrate that Mr. Allen's outcome would have been the same had his true condition been appreciated that morning.

**DATED:** \_\_\_\_\_

\_\_\_\_\_  
Honorable James K. Singleton

### **CERTIFICATE OF SERVICE**

I hereby certify that on the 30<sup>th</sup> day of October, 2006, a copy of the foregoing Proposed Order For Ruling Regarding Proof of Causation was served electronically on:

Gary Guarino

/s/ Donna J. McCready \_\_\_\_\_

P:\Clients\10194\Pleadings\O-Motion re Burden Shifting 061027.doc

**ASHBURN & MASON** P.C.  
LAWYERS  
1227 WEST 9TH AVENUE, SUITE 200  
ANCHORAGE, ALASKA 99501  
TEL 907.276.4331 • FAX 907.277.8235